

AGENDA

Regular Session of the City Council of the City of Saint Charles, Missouri
Council Chambers – 4th Floor – City Hall – 200 North Second Street
Tuesday, November 4, 2014
7:00 p.m.

1. ROLL CALL
2. INVOCATION AND PLEDGE OF ALLEGIANCE
3. PUBLIC HEARINGS
 - A. 2015 Community Development Block Grant Program (CDBG) Annual Action Plan (**Council Bill 11435**)
 - B. Case No. CU-2014-27. (Well Properties – Jacob Illy & Jim Wetter). An application for a Conditional Use Permit from §400.240(C)(1)(a) for outdoor storage within the I-1 Light Industrial District, specifically to approve the storage of boats, recreational vehicles and campers at the Northeast corner of Fox Hill Road and North Drive. The subject property is 0.91 acres and is located in Ward 1 (**RCA Attached**)
 - C. Case No. CU-2014-28. (Marvin Stephen Eversole). An application for a Conditional Use Permit from §400.480(D)(1) for a Temporary Retail Sales Use within the C-2 General Business District, specifically to operate an outdoor food stand at 2309 Elm Street. The subject property is 0.70 acres and is located in Ward 9 (**RCA Attached**)
 - D. Case No. CU-2014-29. (Matthau Enterprises Inc. dba Dents Express) An application for a Conditional Use Permit from §400.240(C)(1)(a) for an automotive repair and body shop within the I-1 Light Industrial District, specifically to operate a minor auto body repair facility with paint booth at 223 Hughes Lane within a building formerly used for office/warehouse. The subject property is 1.12 acres and is located in Ward 1 (**RCA Attached**)
 - E. Case No. CU-2014-30. (Rhiannon P. Kaye – HKW Architects) An application for a Conditional Use Permit from §400.220(C)(1)(a) of the City of St. Charles Code of Ordinances for In-Vehicle Sales and Service, specifically to add a Drive-Thru ATM kiosk on the existing PNC Bank property at 750 First Capitol Drive. The subject property is 0.56 acres and is located in Ward 1 (**RCA Attached**)
 - F. Case No. Z-2014-12. (Executive Homes) An application to rezone land located west of Harry S. Truman Boulevard, east of the Foxborough Estates Subdivision and north of 3400 Ehlmann Road from I-1 Light Industrial District to the R-1D Single-Family Residential District. The subject property is proposed to be combined with an existing R-1D parcel for a new 8 lot residential subdivision (total area of proposed subdivision is 6.54 acres). The subject area for rezoning is approximately 3.27 acres and is located in Ward 6 (**Council Bill 11453**)
 - G. Case No. TA-2014-7. (City of St. Charles). Text Amendment to Zoning Ordinance Section §400.970, Planning and Zoning Commission, to specify the number of concurring votes required to pass a motion at a meeting of the Planning and Zoning Commission (**Council Bill 11450**)

4. REPORT OF THE MAYOR/AWARDS/PROCLAMATIONS/PRESENTATIONS

- A. Presentation of Proclamation to the City of St. Charles Parks and Recreation Department in Recognition of the 2014 Illumination Event
- B. Appointments to Boards/Commissions
- C. Budget Amendment #7 (***Council Bill 11446***)
- D. Written and/or Verbal Messages from the Mayor

5. PUBLIC COMMENT

- A. Reading of Written Petitions, Memorials, and Remonstrances
- B. Public Comment Relative to Agenda Items
- C. Public Comment Relative to City Issues

NOTE: To address the Council, please complete a speaker card and present to the City Clerk prior to the meeting.

6. RESOLUTIONS (*none*)

7. BILLS FOR FINAL PASSAGE

Bill 11426

An Ordinance Authorizing a Site Access License Agreement with AmerenUE for the Purpose of Allowing the Installation of ISCO and ISCR Injection Wells and Piezometers on City Property (*Sponsor: Rod Herrmann*)

Bill 11429

An Ordinance Approving an Administrative Regulation Relating to Towing Services (*Sponsors: Dave Beckering, Ron Stivison and Jerry Reese*)

Bill 11430

An Ordinance Authorizing a Third Amendment to the Agreement for Collection of Taxes with Saint Charles County for the Collection of the Annual New Town Neighborhood Improvement District (NID) Assessment (*Sponsor: Dave Beckering*)

Bill 11431

An Ordinance Authorizing the Sale of Real Property Located at 14 Quiet Brook Court to Gregory S. Sarich and Mary M. Sarich for the Sale Price of \$205,000.00 and Granting the Mayor and City Clerk Continuing Authority to Execute Documents Necessary to Carry out the Intent of this Ordinance (*Sponsor: John Hanneke*)

Bill 11432 (*Proposed Substitute Bill No. 1*)

An Ordinance Authorizing a Right-of-Way Encroachment License with ~~St. Charles Noah Development, LLC~~ Plaza at Noah's Ark Community Improvement District to Construct and Maintain Light Pole Banners on the Right of Way Located Along South Main Street from South River Road to the Northern Limits of the Cullinan Property (*Sponsors: Rod Herrmann, Bridget Ohmes, Mary Ann Ohms, John Hanneke, Ron Stivison and Laurie Feldman*)

Bill 11433

An Ordinance Authorizing Acceptance of Public Improvements at Charlestowne Plat 1, and Authorizing Release of Security related thereto (*Sponsor: Rod Herrmann*)

Bill 11434

An Ordinance Authorizing a Contract with DBK Salt Supply, LLC for the Purchase of Approximately 2,500 Tons of Bulk Road Salt for the 2014/2015 Winter Season in an Amount Not to Exceed \$302,500 (*Sponsor: Rod Herrmann*)

Bill 11435

An Ordinance Authorizing the Mayor and City Clerk to Execute and File the 2015 Consolidated Annual Action Plan with the U.S. Department of Housing and Urban Development for a Community Development Block Grant (Fiscal Year 2015) (*Sponsor: Dave Beckering*)

Bill 11436

An Ordinance Approving the Record Plat for MB Corporate Park Resubdivision of Lot 1G, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Rod Herrmann*)

Bill 11437

An Ordinance Approving Costs of Certain Improvements; and Authorizing Payments from the Project Fund in Connection with Phase Three Improvements of the Streets of St. Charles at Noah's Ark Neighborhood Improvement District (*Sponsor: Laurie Feldman*)

Bill 11438

An Ordinance Granting to Union Electric Company d/b/a Ameren Missouri, an Easement Located on City Property at 2871 Elm Point Industrial Drive for the Installation, Operation and Maintenance of Electric Services to the New Public Works Facility (*Sponsors: Bridget Ohmes, Mary Ann Ohms, Tom Besselman and Ron Stivison*)

Bill 11439

An Ordinance Authorizing a Settlement Agreement and Release of All Claims Between the City of St. Charles and The PrivateBank and Trust Company for the Release of Escrow Funds to Complete the Punch List for Charlestowne Plat 1 (Formerly the Bowers and Bailey Section) (*Sponsor: Rod Herrmann*)

Bill 11440

An Ordinance Authorizing an Agreement Between the City of St. Charles and St. Charles County Granting St. Charles County Permission to Utilize the City's Historic Missouri Wine Logo on County Directional Signs (*Sponsor: Ron Stivison*)

Bill 11441

An Ordinance Authorizing a Cost Sharing Cooperation Agreement Between the City of St. Charles and Fischer and Frichtel Custom Homes for Engineering Services by Burns and McDonnell related to Boschert Creek in an Amount Not to Exceed \$6,500.00 (*Sponsor: Rod Herrmann*)

8. BILLS FOR INTRODUCTION

11442

An Ordinance Authorizing an Intergovernmental Cooperation Agreement Between the City of St. Charles and St. Charles County to Furnish, Deliver and Provide Housing for Prisoners of the St. Charles Municipal Court in an Amount not to Exceed \$10,000.00 (*Sponsor: Dave Beckering*)

11443

An Ordinance Authorizing an Intergovernmental Cooperation Agreement Between the City of St. Charles and Lincoln County through its Sheriff's Department to Furnish, Deliver and Provide Housing for Prisoners of the St. Charles Municipal Court in an Amount Not to Exceed \$10,000.00 (*Sponsor: Dave Beckering*)

11444

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat Six-M-1, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Rod Herrmann*)

11445

An Ordinance Authorizing a Contract with Kerber, Eck & Braeckel, LLP to Provide Professional Auditing Services for 2014, 2015 and 2016 in an Amount Not to Exceed \$171,371.00 (*Sponsors: Dave Beckering and John Hanneke*)

Bill 11446

An Ordinance Amending Ordinance Number 13-245 by Amending Certain Revenue, Expenditure, and Fund Balance Accounts for the Budget for the Fiscal Year 2014 (Budget Amendment #7) (*Sponsor: Dave Beckering*)

Bill 11447

An Ordinance Amending Chapter 145 of the Code of Ordinances Pertaining to Purchasing, Contracting and Sales to Make Technical and Grammatical Amendments Thereto (*Sponsor: Dave Beckering*)

Bill 11448

An Ordinance Authorizing a Labor Agreement between the City of St. Charles, Missouri and the International Association of Fire Fighters Local 757 for the Period ending December 31, 2017 (*Sponsors: Dave Beckering and Mary West*)

Bill 11449

An Ordinance Authorizing the Sale of Real Property Located at 1513 Shadow Wood Drive to Manuel Ornelas for the Sale Price of \$138,000.00 and Granting the Mayor and City Clerk Continuing Authority to Execute Documents Necessary to Carry out the Intent of this Ordinance (*Sponsor: John Hanneke*)

Bill 11450

Text Amendment to Zoning Ordinance Section §400.970, Planning and Zoning Commission, to specify the number of concurring votes required to pass a motion at a meeting of the Planning and Zoning Commission (*Sponsor: Mary Ann Ohms*)

Bill 11451

An Ordinance Authorizing Contract Amendment Number 4 with Dynamic Controls, Inc. for the Purchase of Seven (7) Omnicast Enterprise Camera Licenses with SMA to be Utilized at the Police Department Interview Rooms in an Amount of \$1,855.00, for a Total Amount Not to Exceed \$142,020.41 (*Sponsor: John Hanneke*)

Bill 11452

An Ordinance Approving the Record Plat for The New Town at St. Charles Gateway District Plat One, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Rod Herrmann*)

Bill 11453

An Ordinance Rezoning to City Zoning District R-1D (Single Family Residential District) from City Zoning District I-1 (Light Industrial District) Approximately 3.27 Acres of Land Located West of Harry S Truman Boulevard, East of the Foxborough Estates Subdivision and North of 3400 Ehlmann Road (*Sponsor: Jerry Reese*)

Bill 11454

An Ordinance Authorizing a Contract with Amcon Municipal Concrete, LLC for the Blackhurst Hardin Sidewalk Improvement Project in an Amount Not to Exceed \$547,363.25 (*Sponsor: Dave Beckering*)

Bill 11455

An Ordinance Approving and Adopting a Patient Safety Organization Policy for the City of St. Charles, providing for an Effective Date thereof, and Authorizing a Patient Safety Organization Participant Agreement with the Missouri Center for Patient Safety (*Sponsor: Ron Stivison*)

Bill 11456

An Ordinance Authorizing a Contract Amendment to Purchase Real Property Located at 1805 South Old Highway 94 for \$20,000 in the Not To Exceed Amount of \$652,000, Inclusive of Closing Costs, and Granting the Mayor and City Clerk Continuing Authority to Execute Documents Necessary to Carry out the Intent of this Ordinance (*Sponsor: Rod Herrmann*)

9. ITEMS FOR DISCUSSION AND/OR COUNCIL ACTION

A. Appointment of Council Member Jerry Reese to the Fourth of July Celebration Committee (*referred from the October 21, 2014, Regular City Council Meeting*)

10. CONSENT AGENDA

- A. Approval of Council Minutes
 - 1. Regular Council Meeting of October 21, 2014
 - 2. Public Hearing of October 21, 2014

- B. Approval of Council Committee Reports
1. Approval of Council Committee Minutes
 - a. Budget Committee Meeting of September 23, 2014
 - b. Street Committee Meeting of October 14, 2014
 - c. Council Work Session of October 14, 2014
 - d. Council Work Session of October 14, 2014

 2. Approval of Council Committee Motions/Actions/Recommendations
 - a. Budget Committee Meeting of September 23, 2014
 - i. Motion to move forward with Report No. 3 *Forecast Reflects the Effect of the VRIP with the Elimination of 7 Positions and an increase in the Utility Tax Rate*
 - b. Street Committee Meeting of October 14, 2014
 - i. Motion to paint the speed limit on pavement for Northbound and Southbound Second Street traffic as an intermediate solution for traffic calming, paint crosswalk at Second Street and Jackson Street, and staff to investigate costs relative to traffic calming and sight improvement measures as presented by staff in the RCA
 - ii. Motion to add a caution/warning sign at the intersection of the alley between South Second Street and Main Street and the eastern terminus of Jackson Street
 - iii. Motion to establish weight restrictions for heavy vehicles on North Second Street and South Second Street *(failed)*
 - iv. Motion to install a multi-way stop at the intersection of Old Friedens Road at Talbridge Square *(failed)*
 - v. Motion to install an Ameren cobrahead streetlight on an existing wood pole located approximately 120 feet east of Eighth Street on the north side of Adams Street
 - vi. Motion to install four (4) new 100 watt high pressure sodium streetlights, with contemporary fixture on a new black fiberglass pole along Berlekamp Drive between Country Club Road and Shadow Wood Drive as presented, in the year of 2015 with available new street light funds
 - vii. Motion to approve a Right-of-Way Encroachment License for Cullinan Properties to install banners on the City's Light Standards along South Main Street from South Fifth Street to northern limits of the Cullinan Property
 - viii. Motion to enter into a license agreement with Ameren to allow installation of piezometers and to conduct a plume containment pilot study
 - ix. Motion to table the following items to the November 18, 2014 Street Committee Meeting:
Discussion Relative to Intersection Sight Distance at Sixth Street and Perry Street;

Discussion Relative to Multi-Way Stop Sign Warrant Study for Boschertown Road at Fox Hill Road and Charlestowne Village Parkway; and Update Relative to Multi-Way and Traffic Calming Requests Received for September

- c. Council Work Session of October 14, 2014
 - i. Motion to adjourn into closed session relative to legal actions, causes of action, or litigation (RSMo 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)
 - d. Council Work Session of October 14, 2014
 - i. Motion to adopt the seclusion option and Director Evans to facilitate putting people/contacts together to form a levee/drainage district which will not include the City
 - ii. Motion to approve the recommendation by staff to use the Ameristar settlement funds to keep the 2014 CIP whole
- C. Receipt of Reports from Boards, Commissions, or Committees
- 1. Veteran's Commission Meeting of September 8, 2014
 - 2. Landmarks Board Meeting of September 15, 2014
 - 3. Fair Housing Commission Meeting of July 17, 2014
 - 4. Housing Authority of City of St. Charles Meeting of September 9, 2014
 - a. Motion to approve the list of bills
 - b. Motion to adopt Resolution #644 as read
 - 5. Human Relation Commission Meeting of September 11, 2014
 - 6. Fourth of July Celebration Committee Meeting of August 4, 2014
 - 7. Fourth of July Celebration Committee Meeting of June 25, 2014
- D. Receipt of Reports of the Director of Administration
- 1. Request to Fill Vacant Position(s) in Police Department (*non-VRIP*)
 - 2. Request to Fill Vacant Positon in Finance Department (*VRIP*)
- E. Approval of Contracts and Easements from \$30,001 - \$99,999
- 1. Second Amendment to Renewal No. 2 of Contract with Fred Weber, Inc. for Asphalt Mix in an Amount not to exceed \$6,000.00, for a total Contract Amount not to exceed \$36,000.00
 - 2. Right of Way and Easement Acquisition Agreement, General Warranty Deed, Permanent Sidewalk and Utility Easement and a Temporary Construction Easement with Bauer LLC for the Purchase of Right of Way and Easements needed for the Muegge Road Improvements at Mexico Road Project in the Amount of \$55,544.00 from the Property located at 2750 Muegge Road

3. Right of Way and Easement Acquisition Agreement, General Warranty Deed, Permanent Sidewalk and Utility Easement and a Temporary Construction Easement with Miran Investment Co., a Missouri Corporation and QuikTrip Corporation for the Purchase of Right of Way and Easements needed for the Muegge Road Improvements at Mexico Road Project in the Amount of \$79,434.00 from the Property located at 3889 Mexico Road
4. Contract Amendment No. 2 with St. Louis Cardinals, LLC for additional Advertising in an Amount not to exceed \$3,300.00, for a total contract Amount not to exceed \$33,300.00

F. Preliminary Plats (*none*)

G. Miscellaneous

1. Approval of transfer of Taxicab Operator's License by Ace Transportation of St. Charles (transferor) to MAKAK-1, LLC (transferee) and Approval of Taxicab Operator's License for MAKAK-1, LLC.
2. Receipt of the Proposed Annual Budget for 2015 as Submitted by the Board of Directors of the West Clay Extension Community Improvement District
3. Report of Court Administrator of Monies Collected and Deposited during the Month of September 2014
4. Receipt of the Proposed Annual Budget for 2015 as Submitted by the Board of Directors of the Plaza at Noah's Ark Community Improvement District

11. ITEMS REMOVED FROM CONSENT AGENDA

12. ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

- A. Update from Council Liaisons on Boards/Commissions/Committees
- B. Written and/or Verbal Messages from the Council Members

13. EMERGENCY ORDINANCES (*none*)

14. TABLED BILLS (*none*)

15. APPROVAL OF CLOSED MINUTES

- A. City Council Work Session of Tuesday, October 14, 2014, and following the required roll call vote in open session, the Council convened in closed session relative to legal actions, causes of action, or litigation (RSMo 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12) at 6:00 p.m.

16. CLOSED SESSION, if requested, relative to:
- A. Legal actions, causes of action, or litigation (RSMo 610.021.1)
 - B. Leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2)
 - C. Hiring, firing, disciplining or promotion of particular employees by a public governmental body when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3)
 - D. Preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee groups (RSMo 610.021.9)
 - E. Sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)

The City of St. Charles offers all interested citizens the opportunity to attend public meetings and comment on public matters. If you wish to attend this public meeting and require an accommodation due to a disability, please contact the Office of The City Clerk to coordinate an accommodation at least two (2) business days in advance of the scheduled meeting at 636-949-3282 or 636-949-3289 (TTY – for the hearing impaired).

The City of St. Charles, Missouri, fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI Complaint Form, please call the City Clerk's Office at (636)949-3282 or visit City Hall located at 200 North Second Street, St. Charles, Missouri, 63301.

Posted: Friday, October 31, 2014, at 5:00 p.m.